

Message

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**From:** Epp, Timothy [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=46B70972E0C7421A9A922EEAB6280211-TEPP]  
**Sent:** 11/2/2018 1:54:40 PM  
**To:** Blake, Wendy [Blake.Wendy@epa.gov]; Brazauskas, Joseph [brazauskas.joseph@epa.gov]; Packard, Elise [Packard.Elise@epa.gov]  
**Subject:** up dated FOIA memo  
**Attachments:** Draft FOIA Memo - Clean Updated 11 2 2018.docx; Draft FOIA Memo - redline Updated 11 2 2018.docx

Here is both a clean and redline of the FOIA memo showing changes this morning after discussing with Wendy and Joe.

Tim

Timothy R. Epp  
Acting Director, National FOIA Office  
Office of General Counsel  
U.S. Environmental Protection Agency  
Tel. 202-564-2830

Message

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**From:** Epp, Timothy [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=46B70972E0C7421A9A922EEAB6280211-TEPP]  
**Sent:** 9/20/2018 1:13:26 PM  
**To:** Gottesman, Larry [Gottesman.Larry@epa.gov]  
**Subject:** Re: FOIA Policy - revision

Thanks.

Sent from my iPhone

On Sep 20, 2018, at 9:13 AM, Gottesman, Larry <Gottesman.Larry@epa.gov> wrote:

No, just the draft.

Larry F. Gottesman  
Agency FOIA Officer  
Office of General Counsel  
U.S. Environmental Protection Agency

(Direct line)  
Personal Phone / Ex. 6 (Mobile)  
202-566-1667 (Main line)

---

**From:** Epp, Timothy  
**Sent:** Wednesday, September 19, 2018 8:39 AM  
**To:** Gottesman, Larry <Gottesman.Larry@epa.gov>  
**Subject:** RE: FOIA Policy - revision

Thanks Larry. Were there any briefing papers providing options and explaining reasoning?

Timothy R. Epp  
Acting Director, National FOIA Office  
Acting Associate General Counsel  
Pesticides & Toxic Substances Law Office  
Office of General Counsel  
U.S. Environmental Protection Agency  
Tel. 202-564-2830

---

**From:** Gottesman, Larry  
**Sent:** Tuesday, September 18, 2018 1:07 PM  
**To:** Epp, Timothy <Epp.Timothy@epa.gov>  
**Subject:** FW: FOIA Policy - revision

Tim-

Attached is the draft Policy that was sent to Jonda Byrd, our Division Director in OEI. Wendy had staff the update. I have not looked at it since we were reorganized.

Thanks

Larry F. Gottesman  
Agency FOIA Officer  
Office of General Counsel  
U.S. Environmental Protection Agency

Personal Phone / Ex. 6	Direct line)
	Mobile)
202-566-1667 (Main line)	

---

**From:** Schumacher, Wendy  
**Sent:** Wednesday, May 03, 2017 4:06 PM  
**To:** Byrd, Jonda <[byrd.jonda@epa.gov](mailto:byrd.jonda@epa.gov)>  
**Cc:** Gottesman, Larry <[Gottesman.Larry@epa.gov](mailto:Gottesman.Larry@epa.gov)>  
**Subject:** FOIA Policy - revision

Jonda,

Pam gave me a new template this morning. She wants a track changes version which is attached.

Please let me know if you approve or have any changes.

Thanks, Wendy

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**From:** Schumacher, Wendy  
**Sent:** Wednesday, February 22, 2017 4:13 PM  
**To:** Byrd, Jonda <[byrd.jonda@epa.gov](mailto:byrd.jonda@epa.gov)>  
**Cc:** Gottesman, Larry <[Gottesman.Larry@epa.gov](mailto:Gottesman.Larry@epa.gov)>  
**Subject:** FOIA Policy - revision

Jonda,

Here is the draft revision to the FOIA Policy and the OEI Directive Initiation Form for your review.

Please let me know if you have any changes.

Thanks, Wendy

*Wendy Schumacher, Ph.D., PMP*  
**Government Information Specialist**  
**Office of Environmental Information**  
**FOIA, Libraries & Accessibility Division**  
**(202) 566-2513**  
**email:** [schumacher.wendy@epa.gov](mailto:schumacher.wendy@epa.gov)

Message

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**From:** Epp, Timothy [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=46B70972E0C7421A9A922EEAB6280211-TEPP]  
**Sent:** 9/18/2018 12:27:32 PM  
**To:** Brazauskas, Joseph [brazauskas.joseph@epa.gov]  
**CC:** Blake, Wendy [Blake.Wendy@epa.gov]  
**Subject:** draft FOIA regulations  
**Attachments:** FOIA Regulations Sept 18.docx

Hi Joe,  
The current draft of the FOIA regulations is attached.  
Tim

Timothy R. Epp  
Acting Director, National FOIA Office  
Acting Associate General Counsel  
Pesticides & Toxic Substances Law Office  
Office of General Counsel  
U.S. Environmental Protection Agency  
Tel. 202-564-2830

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**Sent:** 6/11/2019 7:10:29 PM  
**To:** Creech, Christopher [Creech.Christopher@epa.gov]  
**Subject:** messaging for FOIA regulations  
**Attachments:** DRAFT Messaging for FOIA Regulations Update (06.11.2019).docx

Chris, I've worked further on the message for the FOIA regulations. Latest is attached.  
Tim

**Timothy R. Epp**

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1200 Pennsylvania Avenue, N.W. (MC 2310A)

Washington, D.C. 20460 | WJCN 7309B

Phone (202) 564-2830 | [epp.timothy@epa.gov](mailto:epp.timothy@epa.gov)



National FOIA Office  
EPA Office of General Counsel

Message

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**Sent:** 6/24/2019 9:43:07 PM  
**To:** Leopold, Matt (OGC) [Leopold.Matt@epa.gov]  
**CC:** Stachowiak, Robert [Stachowiak.Robert@epa.gov]; Packard, Elise [Packard.Elise@epa.gov]; Grantham, Nancy [Grantham.Nancy@epa.gov]; Abboud, Michael [abboud.michael@epa.gov]; Walker, Denise [Walker.Denise@epa.gov]; Cunningham, Bisa [cunningham.bisa@epa.gov]; Creech, Christopher [Creech.Christopher@epa.gov]  
**Subject:** RE: GC Email Message on FOIA update  
**Attachments:** GC Email Message for FOIA Regulations Update (06.24.2019).docx

Matt – I apologize for the resend – please use this file.

Tim

**Timothy R. Epp**

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National FOIA Office  
EPA Office of General Counsel

---

**From:** Epp, Timothy  
**Sent:** Monday, June 24, 2019 5:41 PM  
**To:** Leopold, Matt (OGC) <Leopold.Matt@epa.gov>  
**Cc:** Stachowiak, Robert <Stachowiak.Robert@epa.gov>; Packard, Elise <Packard.Elise@epa.gov>; Grantham, Nancy <Grantham.Nancy@epa.gov>; Abboud, Michael <abboud.michael@epa.gov>; Walker, Denise <Walker.Denise@epa.gov>; Cunningham, Bisa <cunningham.bisa@epa.gov>; Creech, Christopher <Creech.Christopher@epa.gov>  
**Subject:** RE: GC Email Message on FOIA update

Hi Matt,

The FOIA regs will be published on Wednesday, June 26.

Attached is an updated version of a General Counsel mass mailer to go out to all EPA employees – this version

**Deliberative Process / Ex. 5**

Thanks,

Tim

**Timothy R. Epp**

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**Sent:** 6/24/2019 7:23:08 PM  
**To:** Stachowiak, Robert [Stachowiak.Robert@epa.gov]; Packard, Elise [Packard.Elise@epa.gov]; Grantham, Nancy [Grantham.Nancy@epa.gov]; Abboud, Michael [abboud.michael@epa.gov]; Walker, Denise [Walker.Denise@epa.gov]; Cunningham, Bisa [cunningham.bisa@epa.gov]; Creech, Christopher [Creech.Christopher@epa.gov]  
**Subject:** RE: GC Email Message on FOIA update  
**Attachments:** GC Email Message for FOIA Regulations Update (06.24.2019).docx

Please use this version – I corrected a typo.

**Timothy R. Epp**

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EPA Office of General Counsel

---

**From:** Epp, Timothy  
**Sent:** Monday, June 24, 2019 3:22 PM  
**To:** Stachowiak, Robert <Stachowiak.Robert@epa.gov>; Packard, Elise <Packard.Elise@epa.gov>; Grantham, Nancy <Grantham.Nancy@epa.gov>; Abboud, Michael <abboud.michael@epa.gov>; Walker, Denise <Walker.Denise@epa.gov>; Cunningham, Bisa <cunningham.bisa@epa.gov>; Creech, Christopher <Creech.Christopher@epa.gov>  
**Subject:** GC Email Message on FOIA update

Hi all,

The regs will be published on June 26 – Wednesday. Given the additional time, I'd like to give the GC mass mailer another vetting with you.

Attached is an updated version of a General Counsel mass mailer to go out to all EPA employees

Deliberative Process / Ex. 5

# Deliberative Process / Ex. 5

Nancy do you want to run by Ryan before I get Matt's final views?

Tim

**Timothy R. Epp**

| National FOIA Office



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Message

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**Sent:** 6/24/2019 7:22:08 PM  
**To:** Stachowiak, Robert [Stachowiak.Robert@epa.gov]; Packard, Elise [Packard.Elise@epa.gov]; Grantham, Nancy [Grantham.Nancy@epa.gov]; Abboud, Michael [abboud.michael@epa.gov]; Walker, Denise [Walker.Denise@epa.gov]; Cunningham, Bisa [cunningham.bisa@epa.gov]; Creech, Christopher [Creech.Christopher@epa.gov]  
**Subject:** GC Email Message on FOIA update  
**Attachments:** GC Email Message for FOIA Regulations Update (06.24.2019).docx

Hi all,

The regs will be published on June 26 – Wednesday. Given the additional time, I'd like to give the GC mass mailer another vetting with you.

# Deliberative Process / Ex. 5

Nancy do you want to run by Ryan before I get Matt's final views?

Tim

**Timothy R. Epp**

| National FOIA Office

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Message

**From:** Epp, Timothy [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=46B70972E0C7421A9A922EEAB6280211-TEPP]  
**Sent:** 6/24/2019 5:43:38 PM  
**To:** Stachowiak, Robert [Stachowiak.Robert@epa.gov]  
**Subject:** RE: FOIA Desk Statement  
**Attachments:** DRAFT Messaging for FOIA Regulations Update (06.24.2019).docx

Rob – thanks much for your comments

**Deliberative Process / Ex. 5**

## Deliberative Process / Ex. 5

**Timothy R. Epp**

| National FOIA Office

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National FOIA Office  
EPA Office of General Counsel

---

**From:** Stachowiak, Robert  
**Sent:** Monday, June 24, 2019 10:37 AM  
**To:** Epp, Timothy <[Epp.Timothy@epa.gov](mailto:Epp.Timothy@epa.gov)>  
**Subject:** RE: FOIA Desk Statement

OK, how would you like to connect? Should I call you?

Robert Stachowiak  
U.S. Environmental Protection Agency  
Acting Associate Deputy General Counsel  
Office of General Counsel (2310A)  
1200 Pennsylvania Ave., N.W.  
Washington, D.C. 20460  
(202) 564-0580

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**From:** Epp, Timothy  
**Sent:** Monday, June 24, 2019 10:36 AM  
**To:** Stachowiak, Robert <[Stachowiak.Robert@epa.gov](mailto:Stachowiak.Robert@epa.gov)>  
**Cc:** Packard, Elise <[Packard.Elise@epa.gov](mailto:Packard.Elise@epa.gov)>  
**Subject:** Re: FOIA Desk Statement

Hi Rob, I'm down in OPA waiting to talk with a reporter on this. Would welcome your thoughts.

Sent from my iPhone

On Jun 24, 2019, at 10:34 AM, Stachowiak, Robert <[Stachowiak.Robert@epa.gov](mailto:Stachowiak.Robert@epa.gov)> wrote:

Thanks Tim –

I had a couple of thoughts on Matt's e-mail, that I think could bring forward the underlying policy rationale. Do you have a couple of minutes to chat here?

Robert Stachowiak  
U.S. Environmental Protection Agency  
Acting Associate Deputy General Counsel  
Office of General Counsel (2310A)  
1200 Pennsylvania Ave., N.W.  
Washington, D.C. 20460  
(202) 564-0580

---

**From:** Epp, Timothy  
**Sent:** Monday, June 24, 2019 8:56 AM  
**To:** Stachowiak, Robert <[Stachowiak.Robert@epa.gov](mailto:Stachowiak.Robert@epa.gov)>; Packard, Elise <[Packard.Elise@epa.gov](mailto:Packard.Elise@epa.gov)>  
**Subject:** RE: FOIA Desk Statement

I heard from Michael Abboud over the weekend

**Deliberative Process / Ex. 5**

# Deliberative Process / Ex. 5

Tim

## Timothy R. Epp

| [National FOIA Office](#)

U.S. Environmental Protection Agency | Office of General Counsel  
1200 Pennsylvania Avenue, N.W. (MC 2310A)  
Washington, D.C. 20460 | WJCN 7309B  
Phone (202) 564-2830 | [epp.timothy@epa.gov](mailto:epp.timothy@epa.gov)  
<image001.jpg>

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**From:** Stachowiak, Robert  
**Sent:** Monday, June 24, 2019 8:52 AM  
**To:** Epp, Timothy <[Epp.Timothy@epa.gov](mailto:Epp.Timothy@epa.gov)>; Packard, Elise <[Packard.Elise@epa.gov](mailto:Packard.Elise@epa.gov)>  
**Subject:** RE: FOIA Desk Statement

Hi Tim and Elise –

(Dropping Matt and Fletcher.) Can someone please share these (e-mail, desk statement) with me? Also, did anyone contact/hear back from OPA?

Thank you!

-R

Robert Stachowiak  
U.S. Environmental Protection Agency  
Acting Associate Deputy General Counsel

Office of General Counsel (2310A)  
1200 Pennsylvania Ave., N.W.  
Washington, D.C. 20460  
(202) 564-0580

---

**From:** Epp, Timothy  
**Sent:** Friday, June 21, 2019 3:29 PM  
**To:** Leopold, Matt (OGC) <Leopold.Matt@epa.gov>; Packard, Elise <Packard.Elise@epa.gov>  
**Cc:** Mutz, John (Fletcher) <mutz.john@epa.gov>; Stachowiak, Robert <Stachowiak.Robert@epa.gov>  
**Subject:** RE: FOIA Desk Statement

## Deliberative Process / Ex. 5

Tim

**Timothy R. Epp**

| National FOIA Office

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Phone (202) 564-2830 | [epp.timothy@epa.gov](mailto:epp.timothy@epa.gov)  
<image001.jpg>

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**From:** Leopold, Matt (OGC)  
**Sent:** Friday, June 21, 2019 3:26 PM  
**To:** Epp, Timothy <Epp.Timothy@epa.gov>; Packard, Elise <Packard.Elise@epa.gov>  
**Cc:** Mutz, John (Fletcher) <mutz.john@epa.gov>; Stachowiak, Robert <Stachowiak.Robert@epa.gov>  
**Subject:** RE: FOIA Desk Statement

Thanks when do you suggest that I send this?

**Matthew Z. Leopold**

General Counsel

U.S. Environmental Protection Agency  
(202) 564-8040

---

**From:** Epp, Timothy  
**Sent:** Friday, June 21, 2019 1:13 PM  
**To:** Packard, Elise <Packard.Elise@epa.gov>; Leopold, Matt (OGC) <Leopold.Matt@epa.gov>  
**Subject:** RE: FOIA Desk Statement

Matt— here is an update to the draft mass mailer for you to send on FOIA. The desk statement Elise sent this morning is also attached (a typo corrected).

Tim

**Timothy R. Epp**

| National FOIA Office

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1200 Pennsylvania Avenue, N.W. (MC 2310A)  
Washington, D.C. 20460 | WJCN 7309B  
Phone (202) 564-2830 | [epp.timothy@epa.gov](mailto:epp.timothy@epa.gov)  
<image001.jpg>

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**From:** Packard, Elise  
**Sent:** Friday, June 21, 2019 9:47 AM  
**To:** Leopold, Matt (OGC) <[Leopold.Matt@epa.gov](mailto:Leopold.Matt@epa.gov)>  
**Cc:** Epp, Timothy <[Epp.Timothy@epa.gov](mailto:Epp.Timothy@epa.gov)>  
**Subject:** FOIA Desk Statement

Hi Matt,

Just a heads-up that this is the draft desk statement for the FOIA regs. They should be published on Monday, though the Fed reg gives a heads-up today, so folks might call the press office. Nancy is taking it to Ryan today.

Let us know if you have any thoughts or suggestions or anything else you'd like us to do.

Elise

Elise B. Packard  
Acting Deputy General Counsel  
U.S. EPA Office of General Counsel, Rm. 4020A  
(202) 564-7729

Message

**From:** Epp, Timothy [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=46B70972E0C7421A9A922EEAB6280211-TEPP]  
**Sent:** 6/24/2019 12:56:16 PM  
**To:** Stachowiak, Robert [Stachowiak.Robert@epa.gov]; Packard, Elise [Packard.Elise@epa.gov]  
**Subject:** RE: FOIA Desk Statement  
**Attachments:** Desk Statement for FOIA Regulations Update (06.20.2019) (003).docx; DRAFT Messaging for FOIA Regulations Update (06.21.2019).docx

I heard from Michael Abboud over the weekend

**Deliberative Process / Ex. 5**

# Deliberative Process / Ex. 5

Tim

**Timothy R. Epp**

| National FOIA Office

U.S. Environmental Protection Agency | Office of General Counsel

1200 Pennsylvania Avenue, N.W. (MC 2310A)

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**Sent:** Monday, June 24, 2019 8:52 AM  
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**Subject:** RE: FOIA Desk Statement

Hi Tim and Elise --

(Dropping Matt and Fletcher.) Can someone please share these (e-mail, desk statement) with me? Also, did anyone contact/hear back from OPA?

Thank you!

-R

Robert Stachowiak  
U.S. Environmental Protection Agency  
Acting Associate Deputy General Counsel  
Office of General Counsel (2310A)  
1200 Pennsylvania Ave., N.W.  
Washington, D.C. 20460  
(202) 564-0580

**From:** Epp, Timothy  
**Sent:** Friday, June 21, 2019 3:29 PM  
**To:** Leopold, Matt (OGC) <[Leopold.Matt@epa.gov](mailto:Leopold.Matt@epa.gov)>; Packard, Elise <[Packard.Elise@epa.gov](mailto:Packard.Elise@epa.gov)>  
**Cc:** Mutz, John (Fletcher) <[mutz.john@epa.gov](mailto:mutz.john@epa.gov)>; Stachowiak, Robert <[Stachowiak.Robert@epa.gov](mailto:Stachowiak.Robert@epa.gov)>  
**Subject:** RE: FOIA Desk Statement

# Deliberative Process / Ex. 5

Tim

**Timothy R. Epp**

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**Sent:** Friday, June 21, 2019 3:26 PM  
**To:** Epp, Timothy <[Epp.Timothy@epa.gov](mailto:Epp.Timothy@epa.gov)>; Packard, Elise <[Packard.Elise@epa.gov](mailto:Packard.Elise@epa.gov)>  
**Cc:** Mutz, John (Fletcher) <[mutz.john@epa.gov](mailto:mutz.john@epa.gov)>; Stachowiak, Robert <[Stachowiak.Robert@epa.gov](mailto:Stachowiak.Robert@epa.gov)>  
**Subject:** RE: FOIA Desk Statement

Thanks when do you suggest that I send this?

**Matthew Z. Leopold**

General Counsel  
U.S. Environmental Protection Agency  
(202) 564-8040

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**From:** Epp, Timothy  
**Sent:** Friday, June 21, 2019 1:13 PM  
**To:** Packard, Elise <[Packard.Elise@epa.gov](mailto:Packard.Elise@epa.gov)>; Leopold, Matt (OGC) <[Leopold.Matt@epa.gov](mailto:Leopold.Matt@epa.gov)>  
**Subject:** RE: FOIA Desk Statement

Matt— here is an update to the draft mass mailer for you to send on FOIA. The desk statement Elise sent this morning is also attached (a typo corrected).

Tim

**Timothy R. Epp**

| National FOIA Office

U.S. Environmental Protection Agency | Office of General Counsel



Kevin

---

**From:** Lubetsky, Jonathan  
**Sent:** Thursday, May 30, 2019 2:54 PM  
**To:** Crawford, Tim <[Crawford.Tim@epa.gov](mailto:Crawford.Tim@epa.gov)>; Epp, Timothy <[Epp.Timothy@epa.gov](mailto:Epp.Timothy@epa.gov)>; Sandfoss, Kristina <[Sandfoss.Kristina@epa.gov](mailto:Sandfoss.Kristina@epa.gov)>; Walker, Denise <[Walker.Denise@epa.gov](mailto:Walker.Denise@epa.gov)>; Gottesman, Larry <[Gottesman.Larry@epa.gov](mailto:Gottesman.Larry@epa.gov)>; Miller, Kevin <[Miller.Kevin@epa.gov](mailto:Miller.Kevin@epa.gov)>; Srinivasan, Gautam <[Srinivasan.Gautam@epa.gov](mailto:Srinivasan.Gautam@epa.gov)>  
**Subject:** RE: Questions/Issues of Interest for 6/5 OGC Panel at the OAR FOIA Energizer

Would 9:15 to 10:15 work for the OGC Panel? Gautum, see the chain below. We are trying to move the OGC panel to a new time slot.

Otherwise, we could move it to 11-12.

Let me know what works best. Unfortunately I do not have access to that calendar invite at the moment.

---

**From:** Crawford, Tim  
**Sent:** Thursday, May 30, 2019 2:46 PM  
**To:** Epp, Timothy <[Epp.Timothy@epa.gov](mailto:Epp.Timothy@epa.gov)>; Sandfoss, Kristina <[Sandfoss.Kristina@epa.gov](mailto:Sandfoss.Kristina@epa.gov)>; Walker, Denise <[Walker.Denise@epa.gov](mailto:Walker.Denise@epa.gov)>; Gottesman, Larry <[Gottesman.Larry@epa.gov](mailto:Gottesman.Larry@epa.gov)>; Miller, Kevin <[Miller.Kevin@epa.gov](mailto:Miller.Kevin@epa.gov)>  
**Cc:** Lubetsky, Jonathan <[Lubetsky.Jonathan@epa.gov](mailto:Lubetsky.Jonathan@epa.gov)>  
**Subject:** RE: Questions/Issues of Interest for 6/5 OGC Panel at the OAR FOIA Energizer

Thanks for the VM Tim—I didn't see that this was a question for me—I just moved a meeting and can make a 10:15-11:00 time slot.

I hope that will work.

Tim Crawford, FOIAonline Program Manager  
Office of Enterprise Information Programs  
Environmental Protection Agency  
[crawford.tim@epa.gov](mailto:crawford.tim@epa.gov)

(o) 202.566.1574

(c) Personal Phone / Ex. 6

---

**From:** Epp, Timothy  
**Sent:** Thursday, May 30, 2019 1:40 PM  
**To:** Sandfoss, Kristina <[Sandfoss.Kristina@epa.gov](mailto:Sandfoss.Kristina@epa.gov)>; Walker, Denise <[Walker.Denise@epa.gov](mailto:Walker.Denise@epa.gov)>; Gottesman, Larry <[Gottesman.Larry@epa.gov](mailto:Gottesman.Larry@epa.gov)>; Miller, Kevin <[Miller.Kevin@epa.gov](mailto:Miller.Kevin@epa.gov)>; Crawford, Tim <[Crawford.Tim@epa.gov](mailto:Crawford.Tim@epa.gov)>  
**Cc:** Lubetsky, Jonathan <[Lubetsky.Jonathan@epa.gov](mailto:Lubetsky.Jonathan@epa.gov)>  
**Subject:** RE: Questions/Issues of Interest for 6/5 OGC Panel at the OAR FOIA Energizer  
**Importance:** High

Hi Kristina and Jonathan,

I'm very sorry to create confusion at this late date in your Energizer Schedule – Any chance we could flip the OGC & FOIAonline timeslots? I need to attend a meeting with Henry Darwin during the 10-to 11 hour.

Thanks for your consideration.

Tim

**Timothy R. Epp**  
| National FOIA Office  
U.S. Environmental Protection Agency | Office of General Counsel  
1200 Pennsylvania Avenue, N.W. (MC 2310A)

**From:** Epp, Timothy  
**Sent:** Friday, June 21, 2019 3:29 PM  
**To:** Leopold, Matt (OGC) <[Leopold.Matt@epa.gov](mailto:Leopold.Matt@epa.gov)>; Packard, Elise <[Packard.Elise@epa.gov](mailto:Packard.Elise@epa.gov)>  
**Cc:** Mutz, John (Fletcher) <[mutz.john@epa.gov](mailto:mutz.john@epa.gov)>; Stachowiak, Robert <[Stachowiak.Robert@epa.gov](mailto:Stachowiak.Robert@epa.gov)>  
**Subject:** RE: FOIA Desk Statement

## Deliberative Process / Ex. 5

Tim

**Timothy R. Epp**

| National FOIA Office

U.S. Environmental Protection Agency | Office of General Counsel  
1200 Pennsylvania Avenue, N.W. (MC 2310A)  
Washington, D.C. 20460 | WJCN 7309B  
Phone (202) 564-2830 | [epp.timothy@epa.gov](mailto:epp.timothy@epa.gov)



National FOIA Office  
EPA Office of General Counsel

---

**From:** Leopold, Matt (OGC)  
**Sent:** Friday, June 21, 2019 3:26 PM  
**To:** Epp, Timothy <[Epp.Timothy@epa.gov](mailto:Epp.Timothy@epa.gov)>; Packard, Elise <[Packard.Elise@epa.gov](mailto:Packard.Elise@epa.gov)>  
**Cc:** Mutz, John (Fletcher) <[mutz.john@epa.gov](mailto:mutz.john@epa.gov)>; Stachowiak, Robert <[Stachowiak.Robert@epa.gov](mailto:Stachowiak.Robert@epa.gov)>  
**Subject:** RE: FOIA Desk Statement

Thanks when do you suggest that I send this?

**Matthew Z. Leopold**

General Counsel  
U.S. Environmental Protection Agency  
(202) 564-8040

---

**From:** Epp, Timothy  
**Sent:** Friday, June 21, 2019 1:13 PM  
**To:** Packard, Elise <[Packard.Elise@epa.gov](mailto:Packard.Elise@epa.gov)>; Leopold, Matt (OGC) <[Leopold.Matt@epa.gov](mailto:Leopold.Matt@epa.gov)>  
**Subject:** RE: FOIA Desk Statement

Matt— here is an update to the draft mass mailer for you to send on FOIA. The desk statement Elise sent this morning is also attached (a typo corrected).

Tim

**Timothy R. Epp**

| National FOIA Office

U.S. Environmental Protection Agency | Office of General Counsel

1200 Pennsylvania Avenue, N.W. (MC 2310A)  
Washington, D.C. 20460 | WJCN 7309B  
Phone (202) 564-2830 | [epp.timothy@epa.gov](mailto:epp.timothy@epa.gov)



National FOIA Office  
EPA Office of General Counsel

---

**From:** Packard, Elise  
**Sent:** Friday, June 21, 2019 9:47 AM  
**To:** Leopold, Matt (OGC) <[Leopold.Matt@epa.gov](mailto:Leopold.Matt@epa.gov)>  
**Cc:** Epp, Timothy <[Epp.Timothy@epa.gov](mailto:Epp.Timothy@epa.gov)>  
**Subject:** FOIA Desk Statement

Hi Matt,

Just a heads-up that this is the draft desk statement for the FOIA regs. They should be published on Monday, though the Fed reg gives a heads-up today, so folks might call the press office. Nancy is taking it to Ryan today.

Let us know if you have any thoughts or suggestions or anything else you'd like us to do.

Elise

Elise B. Packard  
Acting Deputy General Counsel  
U.S. EPA Office of General Counsel, Rm. 4020A  
(202) 564-7729

1200 Pennsylvania Avenue, N.W. (MC 2310A)  
Washington, D.C. 20460 | WJCN 7309B  
Phone (202) 564-2830 | [epp.timothy@epa.gov](mailto:epp.timothy@epa.gov)



National FOIA Office  
EPA Office of General Counsel

---

**From:** Packard, Elise  
**Sent:** Friday, June 21, 2019 9:47 AM  
**To:** Leopold, Matt (OGC) <[Leopold.Matt@epa.gov](mailto:Leopold.Matt@epa.gov)>  
**Cc:** Epp, Timothy <[Epp.Timothy@epa.gov](mailto:Epp.Timothy@epa.gov)>  
**Subject:** FOIA Desk Statement

Hi Matt,

Just a heads-up that this is the draft desk statement for the FOIA regs. They should be published on Monday, though the Fed reg gives a heads-up today, so folks might call the press office. Nancy is taking it to Ryan today.

Let us know if you have any thoughts or suggestions or anything else you'd like us to do.

Elise

Elise B. Packard  
Acting Deputy General Counsel  
U.S. EPA Office of General Counsel, Rm. 4020A  
(202) 564-7729

Message

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**From:** Epp, Timothy [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=46B70972E0C7421A9A922EEAB6280211-TEPP]  
**Sent:** 5/28/2019 3:53:04 PM  
**To:** Mutz, John [mutz.john@epa.gov]  
**CC:** Creech, Christopher [Creech.Christopher@epa.gov]  
**Subject:** RE: FOIA Documents for Admin  
**Attachments:** FOIA Regulations 2 Phase summary 05282019.docx

Please use this for sending to the Administrator for advance reading for tomorrow's briefing.

(I updated it based on my conversation with Matt this morning.)

Thanks,  
Tim

**Timothy R. Epp**

| National FOIA Office

U.S. Environmental Protection Agency | Office of General Counsel  
1200 Pennsylvania Avenue, N.W. (MC 2310A)  
Washington, D.C. 20460 | WJCN 7309B  
Phone (202) 564-2830 | [epp.timothy@epa.gov](mailto:epp.timothy@epa.gov)



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**From:** Mutz, John  
**Sent:** Tuesday, May 28, 2019 9:59 AM  
**To:** Epp, Timothy <[Epp.Timothy@epa.gov](mailto:Epp.Timothy@epa.gov)>  
**Subject:** RE: FOIA Documents for Admin

I think you have until about Noon. I'll send in whatever you have at that time.

---

**From:** Epp, Timothy  
**Sent:** Tuesday, May 28, 2019 9:58 AM  
**To:** Mutz, John <[mutz.john@epa.gov](mailto:mutz.john@epa.gov)>  
**Subject:** RE: FOIA Documents for Admin

Yes – thanks much.

(I had assumed we would only send the summary – but wanted to double check my assumption. Thanks for helping.)

Do you know the process of getting this into the Administrator's binder? When does it need to go in? If there is time, I'd like to read it over again with the context of my call with Matt in mind. I now must run to a meeting for the next hour.

Tim

**Timothy R. Epp**

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U.S. Environmental Protection Agency | Office of General Counsel

1200 Pennsylvania Avenue, N.W. (MC 2310A)

Washington, D.C. 20460 | WJCN 7309B

Phone (202) 564-2830 | [epp.timothy@epa.gov](mailto:epp.timothy@epa.gov)



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EPA Office of General Counsel

---

**From:** Mutz, John

**Sent:** Tuesday, May 28, 2019 9:55 AM

**To:** Epp, Timothy <[Epp.Timothy@epa.gov](mailto:Epp.Timothy@epa.gov)>

**Subject:** RE: FOIA Documents for Admin

He said he thought you were just going to give him the summary. Does that sound right?

---

**From:** Epp, Timothy

**Sent:** Tuesday, May 28, 2019 9:14 AM

**To:** Mutz, John <[mutz.john@epa.gov](mailto:mutz.john@epa.gov)>; Creech, Christopher <[Creech.Christopher@epa.gov](mailto:Creech.Christopher@epa.gov)>

**Subject:** FOIA Documents for Admin

Fletch and Chris,

Matt does want us to send documents to be included in the Administrator's briefing binder for our meeting with him tomorrow. Specifically, I discussed sending the attached document titled "FOIA Regulations 2 Phase Summary." Could you track getting this into the Administrator's binder?

Query: Fletch, if you have a chance to check with Matt, could you find out if Matt wants to send forward either the clean version of the regs (with preamble) or the redline showing our planned changes?

Thanks,

Tim

**Timothy R. Epp**

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Washington, D.C. 20460 | WJCN 7309B

Phone (202) 564-2830 | [epp.timothy@epa.gov](mailto:epp.timothy@epa.gov)



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EPA Office of General Counsel

---

**From:** Epp, Timothy  
**Sent:** Friday, May 24, 2019 1:20 PM  
**To:** Mutz, John <[mutz.john@epa.gov](mailto:mutz.john@epa.gov)>  
**Cc:** OGC Immediate Office Support <[OGCFrontOfficeSupportStaff@epa.gov](mailto:OGCFrontOfficeSupportStaff@epa.gov)>  
**Subject:** FW: Matt's weekend binder: FOIA Documents

I forgot one of the documents – this collection is complete.  
Tim

**Timothy R. Epp**  
| [National FOIA Office](#)  
U.S. Environmental Protection Agency | Office of General Counsel  
1200 Pennsylvania Avenue, N.W. (MC 2310A)  
Washington, D.C. 20460 | WJCN 7309B  
Phone (202) 564-2830 | [epp.timothy@epa.gov](mailto:epp.timothy@epa.gov)



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EPA Office of General Counsel

---

**From:** Epp, Timothy  
**Sent:** Friday, May 24, 2019 1:18 PM  
**To:** Mutz, John <[mutz.john@epa.gov](mailto:mutz.john@epa.gov)>  
**Cc:** OGC Immediate Office Support <[OGCFrontOfficeSupportStaff@epa.gov](mailto:OGCFrontOfficeSupportStaff@epa.gov)>; Brazauskas, Joseph <[brazauskas.joseph@epa.gov](mailto:brazauskas.joseph@epa.gov)>; Packard, Elise <[Packard.Elise@epa.gov](mailto:Packard.Elise@epa.gov)>; Creech, Christopher <[Creech.Christopher@epa.gov](mailto:Creech.Christopher@epa.gov)>  
**Subject:** Matt's weekend binder: FOIA Documents

Hi Fletch,

Attached are the following documents for Matt's weekend binder:

Table of Contents (FOIA Regulations Update Documents)  
Memo FOIA Regulation Steps  
FOIA Action Memo  
FOIA Regulations (Preamble and Regulation Text)  
Redline of FOIA Regulations showing updates from EPA's current regulations  
Two-page summary of the 2-phases approach

Let me know if you have any questions. I will also place these document into Matt's electronic reading room.

Tim

**Timothy R. Epp**  
| [National FOIA Office](#)  
U.S. Environmental Protection Agency | Office of General Counsel

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Phone (202) 564-2830 | [epp.timothy@epa.gov](mailto:epp.timothy@epa.gov)



National FOIA Office  
EPA Office of General Counsel

---

**From:** Mutz, John  
**Sent:** Friday, May 24, 2019 12:43 PM  
**To:** Epp, Timothy <[Epp.Timothy@epa.gov](mailto:Epp.Timothy@epa.gov)>  
**Subject:** RE: Heads up on Matt weekend reading

Ok, thanks for the heads-up.

---

**From:** Epp, Timothy  
**Sent:** Friday, May 24, 2019 12:42 PM  
**To:** Mutz, John <[mutz.john@epa.gov](mailto:mutz.john@epa.gov)>  
**Cc:** OGC Immediate Office Support <[OGCFrontOfficeSupportStaff@epa.gov](mailto:OGCFrontOfficeSupportStaff@epa.gov)>  
**Subject:** Heads up on Matt weekend reading

Fletch,  
I want to give you a quick heads up that I have some documents coming for Matt's weekend reading binder – just in case I'm a bit after the 1pm deadline.  
Tim

**Timothy R. Epp**  
| [National FOIA Office](#)  
U.S. Environmental Protection Agency | Office of General Counsel  
1200 Pennsylvania Avenue, N.W. (MC 2310A)  
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Phone (202) 564-2830 | [epp.timothy@epa.gov](mailto:epp.timothy@epa.gov)



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EPA Office of General Counsel



Message

---

**From:** Epp, Timothy [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=46B70972E0C7421A9A922EEAB6280211-TEPP]  
**Sent:** 5/28/2019 1:14:27 PM  
**To:** Mutz, John [mutz.john@epa.gov]; Creech, Christopher [Creech.Christopher@epa.gov]  
**Subject:** FOIA Documents for Admin  
**Attachments:** FOIA Regulation Update Documents.docx; MEMO Final FOIA Regulations Steps May 23.docx; FOIA Reg Update Clean Preamble and Reg Text (05.23.2019).docx; FOIA Reg Update Redline Reg Text.docx; FOIA Regulations 2 Phase summary 05242019.docx; ACTION MEMO FOIA Regulations Update.docx

Fletch and Chris,

Matt does want us to send documents to be included in the Administrator's briefing binder for our meeting with him tomorrow. Specifically, I discussed sending the attached document titled "FOIA Regulations 2 Phase Summary." Could you track getting this into the Administrator's binder?

Query: Fletch, if you have a chance to check with Matt, could you find out if Matt wants to send forward either the clean version of the regs (with preamble) or the redline showing our planned changes?

Thanks,  
Tim

**Timothy R. Epp**

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Phone (202) 564-2830 | [epp.timothy@epa.gov](mailto:epp.timothy@epa.gov)



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---

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**To:** Mutz, John <mutz.john@epa.gov>  
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**Subject:** FW: Matt's weekend binder: FOIA Documents

I forgot one of the documents – this collection is complete.  
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**Timothy R. Epp**

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**Cc:** OGC Immediate Office Support <[OGCFrontOfficeSupportStaff@epa.gov](mailto:OGCFrontOfficeSupportStaff@epa.gov)>; Brazauskas, Joseph <[brazauskas.joseph@epa.gov](mailto:brazauskas.joseph@epa.gov)>; Packard, Elise <[Packard.Elise@epa.gov](mailto:Packard.Elise@epa.gov)>; Creech, Christopher <[Creech.Christopher@epa.gov](mailto:Creech.Christopher@epa.gov)>  
**Subject:** Matt's weekend binder: FOIA Documents

Hi Fletch,

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Table of Contents (FOIA Regulations Update Documents)  
Memo FOIA Regulation Steps  
FOIA Action Memo  
FOIA Regulations (Preamble and Regulation Text)  
Redline of FOIA Regulations showing updates from EPA's current regulations  
Two-page summary of the 2-phases approach

Let me know if you have any questions. I will also place these document into Matt's electronic reading room.

Tim

**Timothy R. Epp**

| [National FOIA Office](#)

U.S. Environmental Protection Agency | Office of General Counsel

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Washington, D.C. 20460 | WJCN 7309B

Phone (202) 564-2830 | [epp.timothy@epa.gov](mailto:epp.timothy@epa.gov)



National FOIA Office  
EPA Office of General Counsel

---

**From:** Mutz, John  
**Sent:** Friday, May 24, 2019 12:43 PM  
**To:** Epp, Timothy <[Epp.Timothy@epa.gov](mailto:Epp.Timothy@epa.gov)>  
**Subject:** RE: Heads up on Matt weekend reading

Ok, thanks for the heads-up.

---

**From:** Epp, Timothy  
**Sent:** Friday, May 24, 2019 12:42 PM  
**To:** Mutz, John <[mutz.john@epa.gov](mailto:mutz.john@epa.gov)>  
**Cc:** OGC Immediate Office Support <[OGCFrontOfficeSupportStaff@epa.gov](mailto:OGCFrontOfficeSupportStaff@epa.gov)>  
**Subject:** Heads up on Matt weekend reading

Fletch,

I want to give you a quick heads up that I have some documents coming for Matt's weekend reading binder – just in case I'm a bit after the 1pm deadline.

Tim

**Timothy R. Epp**

| [National FOIA Office](#)

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Washington, D.C. 20460 | WJCN 7309B

Phone (202) 564-2830 | [epp.timothy@epa.gov](mailto:epp.timothy@epa.gov)



National FOIA Office  
EPA Office of General Counsel

Message

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**From:** Epp, Timothy [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=46B70972E0C7421A9A922EEAB6280211-TEPP]  
**Sent:** 6/10/2019 2:07:52 PM  
**To:** Mutz, John (Fletcher) [mutz.john@epa.gov]  
**Subject:** FW: APPROVED for Signature (OEX) - 'FOIA Regs Update, Phase I' (5630.1)

Fletch – this is an FYI on the prior notice of status w/in Office of Policy.  
Tim

**Timothy R. Epp**

| National FOIA Office

U.S. Environmental Protection Agency | Office of General Counsel  
1200 Pennsylvania Avenue, N.W. (MC 2310A)  
Washington, D.C. 20460 | WJCN 7309B  
Phone (202) 564-2830 | [epp.timothy@epa.gov](mailto:epp.timothy@epa.gov)



National FOIA Office  
EPA Office of General Counsel

---

**From:** Muellerleile, Caryn  
**Sent:** Friday, June 07, 2019 3:31 PM  
**To:** Nickerson, William <Nickerson.William@epa.gov>; Curry, Bridgid <Curry.Bridgid@epa.gov>; Auther, Larry <Auther.Larry@epa.gov>; Corrales, Mark <Corrales.Mark@epa.gov>; Manibusan, Mary <Manibusan.Mary@epa.gov>; Wiggins, Lanelle <Wiggins.Lanelle@epa.gov>; Pritchard, Eileen <Pritchard.Eileen@epa.gov>  
**Cc:** Epp, Timothy <Epp.Timothy@epa.gov>; Creech, Christopher <Creech.Christopher@epa.gov>  
**Subject:** APPROVED for Signature (OEX) - 'FOIA Regs Update, Phase I' (5630.1)

Today, OP approved OGC's **FOIA Regs Update, Phase I** (5630.1) for Administrator's signature. This tier 3 final rule is in OEX.

Caryn Muellerleile  
Regulatory Management Division  
Office of Policy  
US Environmental Protection Agency  
1200 Pennsylvania Ave NW (1803A)  
Washington, DC 20460  
(202) 564-2855  
[muellerleile.caryn@epa.gov](mailto:muellerleile.caryn@epa.gov)

Message

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**From:** Epp, Timothy [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=46B70972E0C7421A9A922EEAB6280211-TEPP]  
**Sent:** 6/4/2019 12:23:51 PM  
**To:** Siciliano, CarolAnn [Siciliano.CarolAnn@epa.gov]; Bigioni, Neil [bigioni.neil@epa.gov]  
**Subject:** RE: Neil's comments on revised FOIA Standard Functions CAS 5.20.19.docx  
**Attachments:** FOIA Standard Functions CAS 5.20.19 (002).docx

Here are my edits/comments – I hope you can decipher them.

Tim

**Timothy R. Epp**

| National FOIA Office

U.S. Environmental Protection Agency | Office of General Counsel  
1200 Pennsylvania Avenue, N.W. (MC 2310A)  
Washington, D.C. 20460 | WJCN 7309B  
Phone (202) 564-2830 | [epp.timothy@epa.gov](mailto:epp.timothy@epa.gov)



National FOIA Office  
EPA Office of General Counsel

---

**From:** Siciliano, CarolAnn  
**Sent:** Tuesday, May 21, 2019 4:06 PM  
**To:** Epp, Timothy <[Epp.Timothy@epa.gov](mailto:Epp.Timothy@epa.gov)>; Bigioni, Neil <[bigioni.neil@epa.gov](mailto:bigioni.neil@epa.gov)>  
**Subject:** RE: Neil's comments on revised FOIA Standard Functions CAS 5.20.19.docx

Understood!

Carol Ann Siciliano  
Acting Deputy General Counsel  
for Environmental Media and Regional Law Offices  
Office of General Counsel  
WJC North, Room 7526E  
U.S. Environmental Protection Agency  
1200 Pennsylvania Ave., NW,  
Washington, DC 20450  
(202) 564-5489  
[siciliano.carolann@epa.gov](mailto:siciliano.carolann@epa.gov)

---

**From:** Epp, Timothy  
**Sent:** Tuesday, May 21, 2019 3:50 PM  
**To:** Siciliano, CarolAnn <[Siciliano.CarolAnn@epa.gov](mailto:Siciliano.CarolAnn@epa.gov)>; Bigioni, Neil <[bigioni.neil@epa.gov](mailto:bigioni.neil@epa.gov)>  
**Subject:** RE: Neil's comments on revised FOIA Standard Functions CAS 5.20.19.docx

Thanks Neil and Carol Ann – I'm not as fast as Neil. I'm still working on it.  
Tim

**Timothy R. Epp**

| National FOIA Office

U.S. Environmental Protection Agency | Office of General Counsel

1200 Pennsylvania Avenue, N.W. (MC 2310A)

Washington, D.C. 20460 | WJCN 7309B

Phone (202) 564-2830 | [epp.timothy@epa.gov](mailto:epp.timothy@epa.gov)



National FOIA Office

EPA Office of General Counsel

---

**From:** Siciliano, CarolAnn

**Sent:** Monday, May 20, 2019 5:12 PM

**To:** Bigioni, Neil <[bigioni.neil@epa.gov](mailto:bigioni.neil@epa.gov)>; Epp, Timothy <[Epp.Timothy@epa.gov](mailto:Epp.Timothy@epa.gov)>

**Subject:** RE: Neil's comments on revised FOIA Standard Functions CAS 5.20.19.docx

Thank you, Neil!

Carol Ann Siciliano  
Acting Deputy General Counsel  
for Environmental Media and Regional Law Offices  
Office of General Counsel  
WJC North, Room 7526E  
U.S. Environmental Protection Agency  
1200 Pennsylvania Ave., NW,  
Washington, DC 20450  
(202) 564-5489  
[siciliano.carolann@epa.gov](mailto:siciliano.carolann@epa.gov)

---

**From:** Bigioni, Neil

**Sent:** Monday, May 20, 2019 10:47 AM

**To:** Siciliano, CarolAnn <[Siciliano.CarolAnn@epa.gov](mailto:Siciliano.CarolAnn@epa.gov)>; Epp, Timothy <[Epp.Timothy@epa.gov](mailto:Epp.Timothy@epa.gov)>

**Subject:** Neil's comments on revised FOIA Standard Functions CAS 5.20.19.docx

Carol Ann,

I have responded to your comments and redraft. If I did not comment back I am fine with your proposed change. I made a few additional conforming changes to the text and re-wrote some things in response to your comments. If I re-wrote and did not think the basis was obvious, I responded to your comment with my rationale for the revisions I propose.

Neil

Neil R. Bigioni

Senior Counsel  
U.S. EPA Region III (3RC00)  
1650 Arch St.  
Philadelphia, PA 10103  
(215) 814-2781 (Tel.)  
(215) 814-2603 (Fax)

The information contained in this communication may be protected by the attorney-client privilege, other privileges, and/or the attorney work product doctrine and should be treated accordingly.

Message

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**From:** Epp, Timothy [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=46B70972E0C7421A9A922EEAB6280211-TEPP]  
**Sent:** 6/4/2019 9:29:55 PM  
**To:** Creech, Christopher [Creech.Christopher@epa.gov]  
**Subject:** draft communication  
**Attachments:** DRAFT Messaging for FOIA Regulations Update tre edits.docx

Hi Chris – take a look at these edits, accept as you see fit, and then circulate to the NFO and ask for quick editing so that we can take to Reg Review tomorrow if possible,

Tim

**Timothy R. Epp**

| National FOIA Office

U.S. Environmental Protection Agency | Office of General Counsel

1200 Pennsylvania Avenue, N.W. (MC 2310A)

Washington, D.C. 20460 | WJCN 7309B

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EPA Office of General Counsel



Message

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**From:** Epp, Timothy [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=46B70972E0C7421A9A922EEAB6280211-TEPP]  
**Sent:** 5/24/2019 5:20:09 PM  
**To:** Mutz, John [mutz.john@epa.gov]  
**CC:** OGC Immediate Office Support [OGCFrontOfficeSupportStaff@epa.gov]  
**Subject:** FW: Matt's weekend binder: FOIA Documents  
**Attachments:** FOIA Regulation Update Documents.docx; MEMO Final FOIA Regulations Steps May 23.docx; FOIA Reg Update Clean Preamble and Reg Text (05.23.2019).docx; FOIA Reg Update Redline Reg Text.docx; FOIA Regulations 2 Phase summary 05242019.docx; ACTION MEMO FOIA Regulations Update.docx

I forgot one of the documents – this collection is complete.

Tim

**Timothy R. Epp**

| National FOIA Office

U.S. Environmental Protection Agency | Office of General Counsel

1200 Pennsylvania Avenue, N.W. (MC 2310A)

Washington, D.C. 20460 | WJCN 7309B

Phone (202) 564-2830 | [epp.timothy@epa.gov](mailto:epp.timothy@epa.gov)



National FOIA Office  
EPA Office of General Counsel

---

**From:** Epp, Timothy  
**Sent:** Friday, May 24, 2019 1:18 PM  
**To:** Mutz, John <mutz.john@epa.gov>  
**Cc:** OGC Immediate Office Support <OGCFrontOfficeSupportStaff@epa.gov>; Brazauskas, Joseph <brazauskas.joseph@epa.gov>; Packard, Elise <Packard.Elise@epa.gov>; Creech, Christopher <Creech.Christopher@epa.gov>  
**Subject:** Matt's weekend binder: FOIA Documents

Hi Fletch,

Attached are the following documents for Matt's weekend binder:

Table of Contents (FOIA Regulations Update Documents)  
Memo FOIA Regulation Steps  
FOIA Action Memo  
FOIA Regulations (Preamble and Regulation Text)  
Redline of FOIA Regulations showing updates from EPA's current regulations  
Two-page summary of the 2-phases approach

Let me know if you have any questions. I will also place these document into Matt's electronic reading room.

Tim

Message

**From:** Epp, Timothy [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=46B70972E0C7421A9A922EEAB6280211-TEPP]  
**Sent:** 5/23/2019 9:33:55 PM  
**To:** Brazauskas, Joseph [brazauskas.joseph@epa.gov]; Packard, Elise [Packard.Elise@epa.gov]  
**Subject:** FW: FOIA reg will be non significant

FYI -- OP received OMB's confirmation of the nonsignificant determination.

Timothy R. Epp  
|National FOIA Office  
U.S. Environmental Protection Agency | Office of General Counsel  
1200 Pennsylvania Avenue, N.W. (MC 2310A)  
Washington, D.C. 20460 | WJCN 7309B  
Phone (202) 564-2830 | epp.timothy@epa.gov

-----Original Message-----

From: Manibusan, Mary  
Sent: Thursday, May 23, 2019 5:32 PM  
To: Epp, Timothy <Epp.Timothy@epa.gov>; Nickerson, William <Nickerson.William@epa.gov>; Curry, Bridgid <Curry.Bridgid@epa.gov>  
Cc: Muellerleile, Caryn <Muellerleile.Caryn@epa.gov>; Creech, Christopher <Creech.Christopher@epa.gov>  
Subject: RE: FOIA reg will be non significant

Hello Tim,

I just received the email from OMB confirming the Non-Significance Determination for the OGC FOIA regulation (SAN 5630.1).

Please let me know if you have any additional questions.

Thanks,  
Mary

-----Original Message-----

From: Epp, Timothy  
Sent: Thursday, May 23, 2019 5:29 PM  
To: Nickerson, William <Nickerson.William@epa.gov>; Curry, Bridgid <Curry.Bridgid@epa.gov>; Manibusan, Mary <Manibusan.Mary@epa.gov>  
Cc: Muellerleile, Caryn <Muellerleile.Caryn@epa.gov>; Creech, Christopher <Creech.Christopher@epa.gov>  
Subject: RE: FOIA reg will be non significant  
Importance: High

Hi Bill and Mary --

I'm following up on Bill's email below, which he clearly intended to copy to Mary but I just realized wasn't included. This evening we received the Administrator's

**Deliberative Process / Ex. 5**

## Deliberative Process / Ex. 5

Thanks for your help throughout this process.

Tim

Timothy R. Epp  
|National FOIA Office  
U.S. Environmental Protection Agency | Office of General Counsel  
1200 Pennsylvania Avenue, N.W. (MC 2310A) Washington, D.C. 20460 | WJCN 7309B Phone (202) 564-2830 | epp.timothy@epa.gov

-----Original Message-----

From: Nickerson, William  
Sent: Wednesday, May 22, 2019 9:25 AM

To: Epp, Timothy <Epp.Timothy@epa.gov>  
Subject: RE: FOIA reg will be non significant

Not yet, but we are following up on it. You can continue to move the package toward signature in the meantime. I'm copying Mary because I'll be out of the office starting tomorrow through May 31. May can give you the latest.

-----Original Message-----

From: Epp, Timothy  
Sent: Wednesday, May 22, 2019 8:12 AM  
To: Nickerson, William <Nickerson.William@epa.gov>  
Subject: RE: FOIA reg will be non significant

Hi Bill, have we received the nonsignificant letter yet?  
Tim

Timothy R. Epp  
|National FOIA Office  
U.S. Environmental Protection Agency | Office of General Counsel  
1200 Pennsylvania Avenue, N.W. (MC 2310A) Washington, D.C. 20460 | WJCN 7309B Phone (202) 564-2830 |  
epp.timothy@epa.gov

-----Original Message-----

From: Nickerson, William  
Sent: Thursday, May 16, 2019 4:53 PM  
To: Epp, Timothy <Epp.Timothy@epa.gov>  
Subject: RE: FOIA reg will be non significant

You can incorporate

Deliberative Process / Ex. 5

# Deliberative Process / Ex. 5

-----Original Message-----

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Sent: Thursday, May 16, 2019 4:33 PM  
To: Nickerson, William <Nickerson.William@epa.gov>  
Subject: RE: FOIA reg will be non significant

Thank you!

Timothy R. Epp  
|National FOIA Office  
U.S. Environmental Protection Agency | Office of General Counsel  
1200 Pennsylvania Avenue, N.W. (MC 2310A) Washington, D.C. 20460 | WJCN 7309B Phone (202) 564-2830 |  
epp.timothy@epa.gov

-----Original Message-----

From: Nickerson, William  
Sent: Thursday, May 16, 2019 4:14 PM  
To: Epp, Timothy <Epp.Timothy@epa.gov>  
Subject: FOIA reg will be non significant

Sent from my iPhone

Message

**From:** Epp, Timothy [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=46B70972E0C7421A9A922EEAB6280211-TEPP]  
**Sent:** 5/23/2019 9:32:52 PM  
**To:** Manibusan, Mary [manibusan.mary@epa.gov]; Nickerson, William [Nickerson.William@epa.gov]; Curry, Bridgid [Curry.Bridgid@epa.gov]  
**CC:** Muellerleile, Caryn [Muellerleile.Caryn@epa.gov]; Creech, Christopher [Creech.Christopher@epa.gov]  
**Subject:** RE: FOIA reg will be non significant

Thank you!

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To: Epp, Timothy <Epp.Timothy@epa.gov>; Nickerson, William <Nickerson.William@epa.gov>; Curry, Bridgid <Curry.Bridgid@epa.gov>  
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Hello Tim,

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Cc: Muellerleile, Caryn <Muellerleile.Caryn@epa.gov>; Creech, Christopher <Creech.Christopher@epa.gov>  
Subject: RE: FOIA reg will be non significant  
Importance: High

Hi Bill and Mary --

I'm following up on Bill's email below, which he clearly intended to copy to Mary but I just realized wasn't included. This evening we received the Administrator's invite for briefing him on the FOIA regulations on next Wednesday at 3:30 pm -- we anticipate

Deliberative Process / Ex. 5

## Deliberative Process / Ex. 5

Thanks for your help throughout this process.

Tim

Timothy R. Epp  
|National FOIA Office  
U.S. Environmental Protection Agency | Office of General Counsel  
1200 Pennsylvania Avenue, N.W. (MC 2310A) Washington, D.C. 20460 | WJCN 7309B Phone (202) 564-2830 | epp.timothy@epa.gov

-----Original Message-----

From: Nickerson, William  
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To: Epp, Timothy <Epp.Timothy@epa.gov>  
Subject: RE: FOIA reg will be non significant

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epp.timothy@epa.gov

-----Original Message-----

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Sent: Thursday, May 16, 2019 4:53 PM  
To: Epp, Timothy <Epp.Timothy@epa.gov>  
Subject: RE: FOIA reg will be non significant

# Deliberative Process / Ex. 5

-----Original Message-----

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To: Nickerson, William <Nickerson.William@epa.gov>  
Subject: RE: FOIA reg will be non significant

Thank you!

Timothy R. Epp  
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U.S. Environmental Protection Agency | Office of General Counsel  
1200 Pennsylvania Avenue, N.W. (MC 2310A) Washington, D.C. 20460 | WJCN 7309B Phone (202) 564-2830 |  
epp.timothy@epa.gov

-----Original Message-----

From: Nickerson, William  
Sent: Thursday, May 16, 2019 4:14 PM  
To: Epp, Timothy <Epp.Timothy@epa.gov>  
Subject: FOIA reg will be non significant

Sent from my iPhone

Message

---

**From:** Epp, Timothy [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=46B70972E0C7421A9A922EEAB6280211-TEPP]  
**Sent:** 5/23/2019 8:05:45 PM  
**To:** Brazauskas, Joseph [brazauskas.joseph@epa.gov]; Packard, Elise [Packard.Elise@epa.gov]  
**Subject:** draft memo for Matt on FOIA  
**Attachments:** Draft MEMO Final FOIA Regulations Steps May 23.docx

Here is a draft of a memo outlining the process to complete the FOIA regulations. I'd hope to put this in Matt's over the weekend folder along with the regs and the "Action Memo."

Tim

**Timothy R. Epp**

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National FOIA Office  
EPA Office of General Counsel

Message

---

**From:** Epp, Timothy [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=46B70972E0C7421A9A922EEAB6280211-TEPP]  
**Sent:** 5/8/2019 12:49:59 PM  
**To:** Creech, Christopher [Creech.Christopher@epa.gov]  
**Subject:** RE: materials for briefing on FOIA regs  
**Attachments:** Responses to OIRA's comments tre comments.docx

This is very helpful – some edits/comments in the attached.

Tim

**Timothy R. Epp**

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Phone (202) 564-2830 | [epp.timothy@epa.gov](mailto:epp.timothy@epa.gov)



National FOIA Office  
EPA Office of General Counsel

---

**From:** Creech, Christopher  
**Sent:** Tuesday, May 07, 2019 2:39 PM  
**To:** Epp, Timothy <[Epp.Timothy@epa.gov](mailto:Epp.Timothy@epa.gov)>  
**Subject:** RE: materials for briefing on FOIA regs

Hi Tim,

Please let me know if you would like me to walk through our potential responses to OIRA's comments. Some are straightforward and acceptable comments. Some may be outside of the scope of Phase I.

Attached:

1. Responses to OIRA's comments – this provides the subject, OIRA's comment, and background/potential responses to each comment
2. EPA FOIA Reg Update Redline – OIRA\_PB CTC – this is the document that included the comments from OIRA. I also numbered each comment so that it lines up with the responses document in 1.
3. FOIA Reg Update, Clean – this is the latest draft of the final regs. I have redline changes that would reflect some of my proposed approaches.

-Chris

Christopher T. Creech

Attorney-Adviser  
Office of General Counsel  
U.S. Environmental Protection Agency  
(202) 564-4286  
Room 7353 E

---

**From:** Creech, Christopher  
**Sent:** Tuesday, May 7, 2019 9:12 AM  
**To:** Epp, Timothy <[Epp.Timothy@epa.gov](mailto:Epp.Timothy@epa.gov)>  
**Subject:** RE: materials for briefing on FOIA regs

Thanks, Tim,

I'll go about putting together potential adjustments/responses to OIRA's comments. Let me know if Bill has any feedback.

Best,

Christopher T. Creech  
Attorney-Adviser  
Office of General Counsel  
U.S. Environmental Protection Agency  
(202) 564-4286  
Room 7353 E

---

**From:** Epp, Timothy  
**Sent:** Tuesday, May 7, 2019 8:14 AM  
**To:** Creech, Christopher <[Creech.Christopher@epa.gov](mailto:Creech.Christopher@epa.gov)>  
**Subject:** FW: materials for briefing on FOIA regs

FYI

**Timothy R. Epp**  
Acting Director | [National FOIA Office](#)  
U.S. Environmental Protection Agency | Office of General Counsel  
1200 Pennsylvania Avenue, N.W. (MC 2310A)  
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Phone (202) 564-2830 | [epp.timothy@epa.gov](mailto:epp.timothy@epa.gov)



National FOIA Office  
EPA Office of General Counsel



---

**From:** Epp, Timothy  
**Sent:** Tuesday, May 07, 2019 8:14 AM  
**To:** Nickerson, William <[Nickerson.William@epa.gov](mailto:Nickerson.William@epa.gov)>  
**Subject:** RE: materials for briefing on FOIA regs

Thanks Bill. I have meetings starting this morning at 9 am. My meeting from 9-9:30, I could cut short. I could step out of my 9:30 to 10:30 meeting. What works for you?

The comments are mostly framed as recommendations or observations, many of which appear useful. (I have not fully worked through them; just first impression.)

What is the path to get the nonsignificant determination? Do we need to indicate acceptance of these changes; have further conversations on the questions; do we need to resubmit with changes?

Tim

**Timothy R. Epp**

Acting Director | [National FOIA Office](#)  
U.S. Environmental Protection Agency | Office of General Counsel  
1200 Pennsylvania Avenue, N.W. (MC 2310A)  
Washington, D.C. 20460 | WJCN 7309B  
Phone (202) 564-2830 | [epp.timothy@epa.gov](mailto:epp.timothy@epa.gov)



National FOIA Office  
EPA Office of General Counsel

---

**From:** Nickerson, William  
**Sent:** Tuesday, May 07, 2019 7:52 AM  
**To:** Epp, Timothy <[Epp.Timothy@epa.gov](mailto:Epp.Timothy@epa.gov)>  
**Subject:** Re: materials for briefing on FOIA regs

I can't see the extent of their edits on my phone so let's talk after I'm in the office on how to proceed.

Sent from my iPhone

On May 6, 2019, at 9:03 PM, Hill, Jonathan W. EOP/OMB Ex. 6 wrote:

Good evening,

Please find attached OIRA's comments on your proposed FOIA rule. We've attempted to Deliberative Process / Ex. 5

# Deliberative Process / Ex. 5

Thank you,

Jonathan

---

**From:** Nickerson, William <Nickerson.William@epa.gov>  
**Sent:** Friday, April 26, 2019 4:37 PM  
**To:** Whiteman, Chad S. EOP/OMB [REDACTED] **Ex. 6**  
**Cc:** Epp, Timothy <Epp.Timothy@epa.gov>; Creech, Christopher <Creech.Christopher@epa.gov>; Muellerleile, Caryn <Muellerleile.Caryn@epa.gov>  
**Subject:** materials for briefing on FOIA regs

Chad,

Please find attached the slide deck we plan to walk through during our briefing on April 30 at 4pm. For reference and convenience, a redline is also attached that shows all the planned changes to current reg text.

Bill

William (Bill) Nickerson  
Director, Office of Regulatory Policy and Management  
Office of Policy  
Phone: (202) 566-0326

<EPA FOIA Reg Update Redline - OIRA\_PB.docx>

Message

**From:** Epp, Timothy [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=46B70972E0C7421A9A922EEAB6280211-TEPP]  
**Sent:** 5/9/2019 5:51:01 PM  
**To:** Nickerson, William [Nickerson.William@epa.gov]  
**Subject:** RE: materials for briefing on FOIA regs

Yes, we I've heard of **Deliberative Process / Ex. 5**

# Deliberative Process / Ex. 5

**Timothy R. Epp**

| [National FOIA Office](#)

U.S. Environmental Protection Agency | Office of General Counsel  
1200 Pennsylvania Avenue, N.W. (MC 2310A)  
Washington, D.C. 20460 | WJCN 7309B  
Phone (202) 564-2830 | [epp.timothy@epa.gov](mailto:epp.timothy@epa.gov)



National FOIA Office  
EPA Office of General Counsel

---

**From:** Nickerson, William  
**Sent:** Thursday, May 09, 2019 1:45 PM  
**To:** Epp, Timothy <[Epp.Timothy@epa.gov](mailto:Epp.Timothy@epa.gov)>  
**Subject:** Re: materials for briefing on FOIA regs

That is my plan when I talk to them at 4pm. You are taking some of the suggestions, right?

Sent from my iPhone

On May 9, 2019, at 12:21 PM, Epp, Timothy <[Epp.Timothy@epa.gov](mailto:Epp.Timothy@epa.gov)> wrote:

Hi Bill, checking in – have you been able to confirm **Deliberative Process / Ex. 5**

## Deliberative Process / Ex. 5

Tim

**Timothy R. Epp**

| [National FOIA Office](#)

U.S. Environmental Protection Agency | Office of General Counsel  
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Washington, D.C. 20460 | WJCN 7309B  
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<image001.jpg>

---

**From:** Nickerson, William  
**Sent:** Tuesday, May 07, 2019 7:52 AM  
**To:** Epp, Timothy <Epp.Timothy@epa.gov>  
**Subject:** Re: materials for briefing on FOIA regs

I can't see the extent of their edits on my phone so let's talk after I'm in the office on how to proceed.

Sent from my iPhone

On May 6, 2019, at 9:03 PM, Hill, Jonathan W. EOP/OMB <[REDACTED] Ex. 6 [REDACTED]> wrote:

Good evening,

Please find attached OIRA's comments on your proposed FOIA rule. [REDACTED] Deliberative Process / Ex. 5 [REDACTED]

## Deliberative Process / Ex. 5

questions.

Thank you,

Jonathan

---

**From:** Nickerson, William <Nickerson.William@epa.gov>  
**Sent:** Friday, April 26, 2019 4:37 PM  
**To:** Whiteman, Chad S. EOP/OMB <[REDACTED] Ex. 6 [REDACTED]>  
**Cc:** Epp, Timothy <Epp.Timothy@epa.gov>; Creech, Christopher <Creech.Christopher@epa.gov>; Muellerleile, Caryn <Muellerleile.Caryn@epa.gov>  
**Subject:** materials for briefing on FOIA regs

Chad,

Please find attached the slide deck we plan to walk through during our briefing on April 30 at 4pm. For reference and convenience, a redline is also attached that shows all the planned changes to current reg text.

Bill

William (Bill) Nickerson  
Director, Office of Regulatory Policy and Management  
Office of Policy  
Phone: (202) 566-0326

<EPA FOIA Reg Update Redline - OIRA\_PB.docx>

Message

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**From:** Epp, Timothy [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=46B70972E0C7421A9A922EEAB6280211-TEPP]  
**Sent:** 6/21/2019 5:13:02 PM  
**To:** Packard, Elise [Packard.Elise@epa.gov]; Leopold, Matt (OGC) [Leopold.Matt@epa.gov]  
**Subject:** RE: FOIA Desk Statement  
**Attachments:** DRAFT Messaging for FOIA Regulations Update (06.21.2019).docx; Desk Statement for FOIA Regulations Update (06.20.2019) (003).docx

Matt— here is an update to the draft mass mailer for you to send on FOIA. The desk statement Elise sent this morning is also attached (a typo corrected).

Tim

**Timothy R. Epp**

| National FOIA Office

U.S. Environmental Protection Agency | Office of General Counsel

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National FOIA Office  
EPA Office of General Counsel

---

**From:** Packard, Elise  
**Sent:** Friday, June 21, 2019 9:47 AM  
**To:** Leopold, Matt (OGC) <Leopold.Matt@epa.gov>  
**Cc:** Epp, Timothy <Epp.Timothy@epa.gov>  
**Subject:** FOIA Desk Statement

Hi Matt,

Just a heads-up that this is the draft desk statement for the FOIA regs. They should be published on Monday, though the Fed reg gives a heads-up today, so folks might call the press office. Nancy is taking it to Ryan today.

Let us know if you have any thoughts or suggestions or anything else you'd like us to do.

Elise

Elise B. Packard  
Acting Deputy General Counsel  
U.S. EPA Office of General Counsel, Rm. 4020A  
(202) 564-7729

Message

**From:** Epp, Timothy [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=46B70972E0C7421A9A922EEAB6280211-TEPP]  
**Sent:** 5/9/2019 4:21:34 PM  
**To:** Nickerson, William [Nickerson.William@epa.gov]  
**Subject:** RE: materials for briefing on FOIA regs

Hi Bill, checking in

Deliberative Process / Ex. 5

## Deliberative Process / Ex. 5

**Timothy R. Epp**

| [National FOIA Office](#)

U.S. Environmental Protection Agency | Office of General Counsel

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Deliberative Process / Ex. 5

## Deliberative Process / Ex. 5

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**Sent:** Friday, April 26, 2019 4:37 PM

**To:** Whiteman, Chad S. EOP/OMB <[REDACTED]> **Ex. 6**

**Cc:** Epp, Timothy <[Epp.Timothy@epa.gov](mailto:Epp.Timothy@epa.gov)>; Creech, Christopher <[Creech.Christopher@epa.gov](mailto:Creech.Christopher@epa.gov)>;

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**Subject:** materials for briefing on FOIA regs

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Bill

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<EPA FOIA Reg Update Redline - OIRA\_PB.docx>



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**Sent:** 5/7/2019 6:43:45 PM  
**To:** Nickerson, William [Nickerson.William@epa.gov]  
**Subject:** Re: materials for briefing on FOIA regs

Bill,

It appears **Deliberative Process / Ex. 5**  
**Deliberative Process / Ex. 5**

Tim

Sent from my iPhone

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I can't see the extent of their edits on my phone so let's talk after I'm in the office on how to proceed.

Sent from my iPhone

On May 6, 2019, at 9:03 PM, Hill, Jonathan W. EOP/OMB **Ex. 6** wrote:

Good evening,

Please find attached OIRA's comments on your proposed FOIA rule. **Deliberative Process / Ex. 5**

**Deliberative Process / Ex. 5**

Thank you,

Jonathan

---

**From:** Nickerson, William <Nickerson.William@epa.gov>  
**Sent:** Friday, April 26, 2019 4:37 PM  
**To:** Whiteman, Chad S. EOP/OMB **Ex. 6**  
**Cc:** Epp, Timothy <Epp.Timothy@epa.gov>; Creech, Christopher <Creech.Christopher@epa.gov>; Muellerleile, Caryn <Muellerleile.Caryn@epa.gov>  
**Subject:** materials for briefing on FOIA regs

Chad,

Please find attached the slide deck we plan to walk through during our briefing on April 30 at 4pm. For reference and convenience, a redline is also attached that shows all the planned changes to current reg text.

Bill

William (Bill) Nickerson  
Director, Office of Regulatory Policy and Management  
Office of Policy  
Phone: (202) 566-0326

<EPA FOIA Reg Update Redline - OIRA\_PB.docx>

Message

**From:** Epp, Timothy [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=46B70972E0C7421A9A922EEAB6280211-TEPP]  
**Sent:** 5/7/2019 12:39:04 PM  
**To:** Brazauskas, Joseph [brazauskas.joseph@epa.gov]  
**CC:** Packard, Elise [Packard.Elise@epa.gov]  
**Subject:** FW: materials for briefing on FOIA regs  
**Attachments:** EPA FOIA Reg Update Redline - OIRA\_PB.docx

Here it is – let me know if you have any thoughts or questions I should raise with Bill when we discuss what the options are for next steps.

Tim

**Timothy R. Epp**

Acting Director | [National FOIA Office](#)  
U.S. Environmental Protection Agency | Office of General Counsel  
1200 Pennsylvania Avenue, N.W. (MC 2310A)  
Washington, D.C. 20460 | WJCN 7309B  
Phone (202) 564-2830 | [epp.timothy@epa.gov](mailto:epp.timothy@epa.gov)



National FOIA Office  
EPA Office of General Counsel

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**From:** Hill, Jonathan W. EOP/OMB <[REDACTED] Ex. 6>  
**Sent:** Monday, May 06, 2019 9:03 PM  
**To:** Nickerson, William <Nickerson.William@epa.gov>; Epp, Timothy <Epp.Timothy@epa.gov>; Creech, Christopher <Creech.Christopher@epa.gov>; Muellerleile, Caryn <Muellerleile.Caryn@epa.gov>  
**Cc:** Whiteman, Chad S. EOP/OMB <[REDACTED] Ex. 6>; Herms, Kevin W. EOP/OMB <[REDACTED] Ex. 6>  
**Subject:** RE: materials for briefing on FOIA regs

Good evening,

Please find attached OIRA's comments on your proposed FOIA rule. We've attempted to n Deliberative Process / Ex. 5

# Deliberative Process / Ex. 5

Jonathan

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**From:** Nickerson, William <Nickerson.William@epa.gov>  
**Sent:** Friday, April 26, 2019 4:37 PM

To: Whiteman, Chad S. EOP/OMB <[REDACTED]> **Personal Email / Ex. 6**

Cc: Epp, Timothy <Epp.Timothy@epa.gov>; Creech, Christopher <Creech.Christopher@epa.gov>; Muellerleile, Caryn <Muellerleile.Caryn@epa.gov>

**Subject:** materials for briefing on FOIA regs

Chad,

Please find attached the slide deck we plan to walk through during our briefing on April 30 at 4pm. For reference and convenience, a redline is also attached that shows all the planned changes to current reg text.

Bill

William (Bill) Nickerson  
Director, Office of Regulatory Policy and Management  
Office of Policy  
Phone: (202) 566-0326

Thank you.

Paul Simon  
Deputy Regional Counsel  
EPA Region 2  
212-637-3152

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**From:** Epp, Timothy  
**Sent:** Wednesday, March 6, 2019 8:04 PM  
**To:** Cozad, David <Cozad.David@epa.gov>; OGC RCs and DRCs <OGC\_RCs\_and\_DRCs@epa.gov>; OGC HQ ADDs <OGC\_HQ\_ADDs@epa.gov>; Fotouhi, David <Fotouhi.David@epa.gov>; Schwab, Justin <Schwab.Justin@epa.gov>  
**Subject:** RE: "Final" agenda for next week

Hi All,

For tomorrow's session 4 of the ORC-OGC meeting on FOIA, attached is the latest draft of the "Standard Functions of Regional FOIA Programs" document. We will dedicate a portion of the session to discuss these final changes made in response to the last round of comments.

Tim

Timothy R. Epp  
Acting Director, National FOIA Office  
Office of General Counsel  
U.S. Environmental Protection Agency  
Tel. 202-564-2830

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**From:** Cozad, David  
**Sent:** Thursday, February 28, 2019 12:19 PM  
**To:** OGC RCs and DRCs <OGC\_RCs\_and\_DRCs@epa.gov>; OGC HQ ADDs <OGC\_HQ\_ADDs@epa.gov>; Fotouhi, David <Fotouhi.David@epa.gov>; Schwab, Justin <Schwab.Justin@epa.gov>  
**Subject:** "Final" agenda for next week

Hi all,

Attached please find the "final" agenda for next week's in-person meeting on Thursday and Friday. I'm pleased to report that we've lined up a session with the Administrator on Friday morning and with the AAs/DAAs from the four major media program offices on Thursday (thank you David and Justin). Also, we will have a social event at the end of the day Thursday, in Matt's office. Looking forward to seeing everyone next week. Please let me know if questions –

Dave

Dave Cozad  
Acting Deputy General Counsel  
202-564-5434 (w)  
Personal Phone / Ex. 6 (c)

Message

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**From:** Epp, Timothy [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=46B70972E0C7421A9A922EEAB6280211-TEPP]  
**Sent:** 4/26/2019 7:07:41 PM  
**To:** Nickerson, William [Nickerson.William@epa.gov]  
**CC:** Creech, Christopher [Creech.Christopher@epa.gov]; Muellerleile, Caryn [Muellerleile.Caryn@epa.gov]  
**Subject:** EPA FOIA Regs & OMB  
**Attachments:** DRAFT OMB Non-Sig Presentation FOIA Reg Updat-1.pptx; EPA FOIA Reg Update, Redline.docx; EPA FOIA Regs Update Changes Explanation.docx

Bill,

Attached are three documents for the OMB meeting 1) PowerPoint slides; 2) Redlined FOIA reg changes; and 3) very short statements identifying the more key changes.

Query: do we want to send the third document to OMB? It contains summary identification of our legal theories for no notice and comment.

You may send the first two.

Tim

**Timothy R. Epp**

Acting Director | [National FOIA Office](#)

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After 4:00pm on the third business day after transmission of this email, OGC/Ethics will issue the Agency's FOIA determination to the requestor. The determination will be issued promptly, but in no event later than one business day following completion of the three-day awareness notification period.

The information provided below is consistent with Paragraph 4 of the above-referenced November 16, 2018 memorandum.

<b>OGC/Ethics – Scott Pruitt, Oklahoma lawsuits</b>							
<b>FOIA ID</b>	<b>Requestor</b>	<b>Date FOIA Request Perfected</b>	<b>Date Sent for Awareness Notification</b>	<b>Brief Description</b>	<b>Interim or Final Response</b>	<b>Number of Pages</b>	<b>FOIA Exemptions Used</b>
EPA-HQ- 2017-005096	Patrick Ambrosio (BNA Bloomberg)	3/31/2017	4/24/2019	any and all communications between the Office of the Administrator (including, but not limited to, Administrator Pruitt and his chief of staff) and EPA's Ethics Office related to lawsuits Scott Pruitt brought against the EPA while serving as Oklahoma's attorney general.	Final	189 released in full and in part  38 WIF	Ex. 5 (DPP, AWP, ACP)

Please note that the responsive records for this FOIA request are found in previously released records from the NRDC litigation for FOIA requests EPA-HQ-2017-004720 and EPA-HQ-2017-005963 ; and are publicly available on FOIA Online. These records were previously reviewed and sent through equity review pursuant to the litigation production. The records that are available on FOIA Online by searching for EPA-HQ-2017-004720 are attached here.

Please let us know if you have any questions.

Thanks,  
Shannon

Shannon Griffo  
Ethics Attorney  
Office of General Counsel, Ethics  
U.S. Environmental Protection Agency  
(202) 564-7061  
[Griffo.Shannon@epa.gov](mailto:Griffo.Shannon@epa.gov)

Message

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**From:** Epp, Timothy [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=46B70972E0C7421A9A922EEAB6280211-TEPP]  
**Sent:** 5/3/2019 4:26:44 PM  
**To:** Creech, Christopher [Creech.Christopher@epa.gov]; Bhatt, Krishna [bhatt.krishna@epa.gov]; Thompson, Heather [Thompson.Heather@epa.gov]; Person, Linda [Person.Linda@epa.gov]  
**Subject:** FW: For Matt's Notebook: FOIA Standard Functions  
**Attachments:** FOIA Standard Functions for Matt 5.3.19.docx

For the work on the FOIA Policy and Procedure – the attached is still in Draft but has been submitted to Matt for his review.

Tim

**Timothy R. Epp**

Acting Director | [National FOIA Office](#)  
U.S. Environmental Protection Agency | Office of General Counsel  
1200 Pennsylvania Avenue, N.W. (MC 2310A)  
Washington, D.C. 20460 | WJCN 7309B  
Phone (202) 564-2830 | [epp.timothy@epa.gov](mailto:epp.timothy@epa.gov)



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**From:** Siciliano, CarolAnn  
**Sent:** Friday, May 03, 2019 9:06 AM  
**To:** OGC Immediate Office Support <[OGCFrontOfficeSupportStaff@epa.gov](mailto:OGCFrontOfficeSupportStaff@epa.gov)>  
**Cc:** Epp, Timothy <[Epp.Timothy@epa.gov](mailto:Epp.Timothy@epa.gov)>  
**Subject:** For Matt's Notebook: FOIA Standard Functions

Matt – The attached 11-page draft FOIA Standard Functions reflects excellent work of Tim Epp, Neil Bigioni and Dave Cozad. And, of course, the active engagement of the Regional Counsels and Deputies. It is ready for your review.

**Timing for your review:** Could we hear back from you by **Thursday May 16**? I don't want to rush you; at the same time, getting this done will facilitate the FOIA transitions underway right now in the Regions.

From a practical perspective, all of the Reginal Counsels have had this document in largely its current form since early March. At that time, we invited the RCs to begin building their new FOIA units and responsibilities around it. Indeed, many RCs have used the March version to brief their Regional Administrators.

I'll use my Weeklies with you to check in on your timing needs. Therefore, if you need more time, you'll have an opportunity to let me know. By the same token, you may find this particular matter to be a satisfying and easy one to wrap up quickly.



Message

**From:** Epp, Timothy [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=46B70972E0C7421A9A922EEAB6280211-TEPP]  
**Sent:** 4/12/2019 6:31:05 PM  
**To:** Creech, Christopher [Creech.Christopher@epa.gov]  
**Subject:** RE: NFO in Phase I FOIA Regs -- Proposed Change

Thanks. I'm somewhat leaning towards

Deliberative Process / Ex. 5

Deliberative Process / Ex. 5

**Timothy R. Epp**

Acting Director | [National FOIA Office](#)  
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Phone (202) 564-2830 | [epp.timothy@epa.gov](mailto:epp.timothy@epa.gov)



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**From:** Creech, Christopher  
**Sent:** Friday, April 12, 2019 2:12 PM  
**To:** Epp, Timothy <[Epp.Timothy@epa.gov](mailto:Epp.Timothy@epa.gov)>  
**Subject:** Re: NFO in Phase I FOIA Regs -- Proposed Change

Hi Tim,

I have.

Deliberative Process / Ex. 5

**Deliberative Process / Ex. 5**

Let me know what you think.

-Chris

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**From:** Epp, Timothy  
**Sent:** Friday, April 12, 2019 12:30:39 PM  
**To:** Creech, Christopher  
**Subject:** RE: NFO in Phase I FOIA Regs -- Proposed Change